



THE CITY OF NEW YORK
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July 23, 2021

BY ECF

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 12/13/21

There appears to be a typographical error in the letter, so the reply brief is due on January 7, 2022.

Re: Calvin Spence v. City of New York, et. al.
20 CV 10090 (VSB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and I represent defendants Kevin Weber and The City of New York ("Defendants") in the above-referenced matter. Defendants write to respectfully request, with the consent of plaintiff's counsel Sameer Nash, an extension of time, from December 15, 2021 to January 7, 2022, to file their reply brief in connection with their motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. This is the first time defendants have requested an extension of time to file their reply.

By way of background, on September 11, 2021, defendants filed their motion to dismiss the complaint. Your Honor then Ordered plaintiff to file his opposition to the motion to dismiss by October 11, 2021. On November 16, 2021, Your Honor issued an Order which noted that plaintiff had not yet filed on opposition and accordingly directed plaintiff to file his opposition by November 30, 2021 or defendants' motion would be considered unopposed. Despite being Ordered to file an opposition by November 30th and without requesting permission from the Court, plaintiff, however, filed his opposition on December 1, 2021. In light of the Court's November 16, 2021 Order and the fact that plaintiff was late in filing his opposition, it was initially unclear as to whether the Court would accept plaintiff's opposition or instead deem defendants' motion unopposed. On December 6, 2021, however, as the undersigned was preparing a letter to the Court seeking clarification as to whether a reply brief would be

necessary, the Court entered on Order directing defendants to file their reply by December 15, 2021. Defendants now seek an extension of time, until January 7, 2022, to file their reply.

There are a number of reasons defendants seek the requested extension. As an initial matter, the undersigned is managing a number of other deadlines and conflicts in the upcoming week. By way of example, the undersigned currently has deadlines on December 17, 2021 and December 20, 2021 to file summary judgment motions in two other cases; in addition, the undersigned is defending a deposition in another matter on December 14, 2021 and my supervisor who will be responsible for reviewing the instant reply brief is supervising a trial which begins on December 13, 2021. Additionally, due to the upcoming holidays, the undersigned intends to take some time off from work prior to the new year.

Accordingly, for the reasons discussed herein, defendants respectfully request an extension of time, from December 15, 2021 to January 7, 2022, to file their reply brief in connection with their motion to dismiss the complaint.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/ Matt McQueen

Matthew W. McQueen
Special Federal Litigation Division

cc: Samuel C. DePaola, Esq. (by ECF)
Sameer Nath, Esq. (by ECF)
Attorneys for Plaintiff